

103^D CONGRESS
2^D SESSION

H. R. 5046

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 1994

Mr. ORTIZ (for himself, Mr. STUDDS and Mr. WELDON) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology

A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Oceanic and
5 Atmospheric Administration Authorization Act of 1994”.

6 **SEC. 2. DEFINITIONS.**

7 For the purposes of this Act, the term—

8 (1) “Act of 1890” means the Act entitled “An
9 Act to increase the efficiency and reduce the ex-

penses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture”, approved October 1, 1890 (26 Stat. 653);

(2) “Act of 1947” means the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883a et seq.); and

(3) “Act of 1970” means the Act entitled “An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes”, approved December 31, 1970 (33 U.S.C. 857–1 et seq.).

TITLE I—NOAA OCEAN AND COASTAL PROGRAMS

SEC. 101. NATIONAL OCEAN SERVICE.

(a) MAPPING AND CHARTING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving

1 those activities, \$29,005,000 for fiscal year 1995
2 and \$30,049,000 for fiscal year 1996.

3 (2) AUTOMATED NAUTICAL CHARTING.—In ad-
4 dition to amounts authorized under paragraph (1),
5 there are authorized to be appropriated to the Sec-
6 retary of Commerce, to enable the National Oceanic
7 and Atmospheric Administration to develop and im-
8 plement an automated nautical charting system,
9 \$1,300,000 for fiscal year 1995 and \$1,347,000 for
10 fiscal year 1996.

11 (b) GEODESY.—There are authorized to be appro-
12 priated to the Secretary of Commerce, to enable the Na-
13 tional Oceanic and Atmospheric Administration to carry
14 out geodesy activities under the Act of 1947 and any other
15 law involving those activities, \$19,332,000 for fiscal year
16 1995 and \$20,028,000 for fiscal year 1996.

17 (c) OBSERVATION AND PREDICTION.—

18 (1) IN GENERAL.—There are authorized to be
19 appropriated to the Secretary of Commerce, to en-
20 able the National Oceanic and Atmospheric Adminis-
21 tration to carry out observation and prediction ac-
22 tivities under the Act of 1947 and any other law in-
23 volving those activities, \$12,429,000 for fiscal year
24 1995 and \$12,876,000 for fiscal year 1996.

1 (2) CIRCULATORY SURVEY PROGRAM.—In addi-
2 tion to amounts authorized under paragraph (1),
3 there are authorized to be appropriated to the Sec-
4 retary of Commerce, to enable the National Oceanic
5 and Atmospheric Administration to carry out the
6 Circulatory Survey Program, \$700,000 for fiscal
7 year 1995 and \$725,000 for fiscal year 1996.

8 (3) OCEAN AND EARTH SCIENCES.—In addition
9 to amounts authorized under paragraph (1), there
10 are authorized to be appropriated to the Secretary
11 of Commerce, to enable the National Oceanic and
12 Atmospheric Administration to carry out ocean and
13 earth science activities, \$4,442,000 for fiscal year
14 1995 and \$4,602,000 for fiscal year 1996.

15 (4) CENTER FOR OCEAN ANALYSIS AND PRE-
16 DICTION.—In addition to amounts authorized under
17 paragraph (1), there are authorized to be appro-
18 priated to the Secretary of Commerce, to enable the
19 National Oceanic and Atmospheric Administration
20 to continue the activities of the Center for Ocean
21 Analysis and Prediction, \$400,000 for fiscal year
22 1995 and \$414,000 for fiscal year 1996.

23 (5) OBSERVATION BUOYS.—In addition to
24 amounts authorized under paragraph (1), there are
25 authorized to be appropriated to the Secretary of

1 Commerce, to enable the National Oceanic and At-
2 mospheric Administration to operate and maintain
3 observation buoys in the Chesapeake Bay, \$400,000
4 for fiscal year 1995 and \$414,000 for fiscal year
5 1996.

6 (d) ESTUARINE AND COASTAL ASSESSMENT.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated to the Secretary of Commerce, to en-
9 able the National Oceanic and Atmospheric Adminis-
10 tration to support estuarine and coastal assessment
11 activities under the Act of 1947 and any other law
12 involving those activities, \$2,420,000 for fiscal year
13 1995 and \$2,507,000 for fiscal year 1996.

14 (2) OCEAN ASSESSMENT.—In addition to
15 amounts authorized under paragraph (1), there are
16 authorized to be appropriated to the Secretary of
17 Commerce, to enable the National Oceanic and At-
18 mospheric Administration to carry out the National
19 Status and Trends Program, the Strategic Environ-
20 mental Assessment Program, and the Hazardous
21 Materials Response Program, \$18,945,000 for fiscal
22 year 1995 and \$19,627,000 for fiscal year 1996.

23 (3) DAMAGE ASSESSMENT PROGRAM.—In addi-
24 tion to amounts authorized under paragraph (1),
25 there are authorized to be appropriated to the Sec-

1 retary of Commerce, to enable the National Oceanic
2 and Atmospheric Administration to carry out the
3 Damage Assessment Program, \$1,500,000 for fiscal
4 year 1995 and \$1,554,000 for fiscal year 1996.

5 (4) COASTAL OCEAN PROGRAM.—In addition to
6 amounts authorized under paragraph (1), there are
7 authorized to be appropriated to the Secretary of
8 Commerce, to enable the National Oceanic and At-
9 mospheric Administration to carry out the Coastal
10 Ocean Program, \$11,433,000 for fiscal year 1995
11 and \$11,845,000 for fiscal year 1996. Of the
12 amounts authorized under this paragraph for fiscal
13 years 1995 and 1996, a total of \$120,000 is avail-
14 able until expended to study the use of oceano-
15 graphic data obtained from satellite imagery and
16 other sources to determine and predict the presence
17 of endangered sea turtles in the Gulf of Mexico.

18 (e) OCEAN MANAGEMENT.—There are authorized to
19 be appropriated to the Secretary of Commerce, to enable
20 the National Oceanic and Atmospheric Administration to
21 carry out deep ocean mineral and ocean energy activities,
22 \$500,000 for each of fiscal years 1995 and 1996.

23 **SEC. 102. OCEAN AND GREAT LAKES RESEARCH.**

24 (a) MARINE PREDICTION RESEARCH.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary of Commerce, to en-
3 able the National Oceanic and Atmospheric Adminis-
4 tration to carry out marine prediction research ac-
5 tivities under the Act of 1947, the Act of 1890, and
6 any other law involving those activities, \$10,000,000
7 for fiscal year 1995 and \$10,360,000 for fiscal year
8 1996.

9 (2) GREAT LAKES ENVIRONMENTAL RESEARCH
10 LABORATORY.—

11 (A) IN GENERAL.—There are authorized to
12 be appropriated to the Secretary of Commerce,
13 for the operation and maintenance of the Great
14 Lakes Environmental Research Laboratory,
15 \$4,558,000 for fiscal year 1995 and \$4,722,000
16 for fiscal year 1996.

17 (B) GREAT LAKES NEARSHORE RE-
18 SEARCH.—There are authorized to be appro-
19 priated to the Secretary of Commerce, to enable
20 the National Oceanic and Atmospheric Admin-
21 istration to carry out nearshore research activi-
22 ties of the Great Lakes Environmental Re-
23 search Laboratory, \$500,000 for each of fiscal
24 years 1995 and 1996.

1 (C) ZEBRA MUSSEL RESEARCH.—In addi-
2 tion to amounts authorized under subparagraph
3 (A), there are authorized to be appropriated to
4 the Secretary of Commerce, to enable the Na-
5 tional Oceanic and Atmospheric Administration
6 to carry out zebra mussel research activities of
7 the Great Lakes Environmental Research Lab-
8 oratory under the Nonindigenous Aquatic Nui-
9 sance Prevention and Control Act of 1990 (16
10 U.S.C. 4701 et seq.), \$911,000 for fiscal year
11 1995 and \$1,125,000 for fiscal year 1996.

12 (3) SOUTHEAST FLORIDA AND CARIBBEAN RE-
13 CRUITMENT PROGRAM.—In addition to amounts au-
14 thorized under paragraph (1), there are authorized
15 to be appropriated to the Secretary of Commerce a
16 total of \$2,000,000 for fiscal years 1995 and 1996
17 to enable the National Oceanic and Atmospheric Ad-
18 ministration to carry out, through the Cooperative
19 Institute for Marine and Atmospheric Studies, col-
20 laborative investigations to examine the physical and
21 biological processes which—

22 (A) occur in tropical marine environments
23 in coastal waters of the United States, Florida,
24 and the Caribbean; and

1 (B) impact variability and development of
2 fisheries resources.

3 (b) CLIMATE AND GLOBAL CHANGE RESEARCH.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated to the Secretary of Commerce, to en-
6 able the National Oceanic and Atmospheric Adminis-
7 tration to carry out climate and global change re-
8 search activities, \$71,000,000 for fiscal year 1995
9 and \$84,012,000 for fiscal year 1996. Of sums ap-
10 propriated under this subsection, sufficient funds
11 should be made available by the Secretary of Com-
12 merce to initiate and support research on the effects
13 of climate and global change on the Nation's major
14 freshwater systems, including the Great Lakes and
15 the Mississippi River.

16 (2) ENVIRONMENTAL OBSERVATIONS.—In addi-
17 tion to the amounts authorized to be appropriated
18 under paragraph (1), there is authorized to be ap-
19 propriated to the Secretary of Commerce \$7,000,000
20 for each of fiscal years 1995 and 1996 for a pro-
21 gram to increase scientific understanding of the
22 earth by using a network of schools to collect envi-
23 ronmental observations. Beginning in fiscal year
24 1996, amounts appropriated for such program may
25 be obligated only to the extent that an equal or

1 greater amount of non-Federal funding is provided
2 for such program.

3 (3) IMPLEMENTATION OF LANDSAT AGREE-
4 MENT.—Section 103 of the Land Remote Sensing
5 Policy Act of 1992 is amended by adding at the end
6 the following new subsection:

7 “(c) IMPLEMENTATION OF AGREEMENT.—If negotia-
8 tions under subsection (a) result in an agreement that the
9 Landsat Program Management determines generally
10 achieves the goals stated in subsection (a) (1) through (8),
11 the Landsat Program Management shall award an exten-
12 sion, until the practical demise of Landsat 4 or Landsat
13 5, whichever occurs later, of the existing contract with the
14 Landsat 6 contractor incorporating the terms of such
15 agreement.”.

16 **TITLE II—NOAA MARINE**
17 **FISHERY PROGRAMS**

18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

19 The National Oceanic and Atmospheric Administra-
20 tion Marine Fisheries Program Authorization Act (Public
21 Law 98–210; 97 Stat. 1409) is amended—

22 (1) in section 2(a) by—

23 (A) striking “1992 and” and inserting
24 “1992,”; and

1 (B) inserting after “1993” the following:

2 “, \$51,092,000 for fiscal year 1995, and
3 \$52,931,000 for fiscal year 1996”;

4 (2) in section 3(a) by—

5 (A) striking “1992 and” and inserting
6 “1992,”; and

7 (B) inserting after “1993” the following:

8 “, \$14,198,000 for fiscal year 1995, and
9 \$14,709,000 for fiscal year 1996”; and

10 (3) in section 4(a) by—

11 (A) striking “1992 and” and inserting
12 “1992,”; and

13 (B) inserting after “1993” the following:

14 “, \$17,089,000 for fiscal year 1995, and
15 \$17,704,000 for fiscal year 1996”.

16 **SEC. 202. AMENDMENTS TO THE MERCHANT MARINE ACT,**
17 **1936.**

18 Section 1104A(b)(2) of the Merchant Marine Act,
19 1936 (46 App. U.S.C. 1274(b)(2)), is amended in the
20 third proviso by striking “, except that no debt may be
21 placed under this proviso through the Federal Financing
22 Bank”.

23 **SEC. 203. SCALLOP RESTORATION PROGRAM.**

24 There are authorized to be appropriated to the Sec-
25 retary of Commerce \$200,000 for each of fiscal years

1 1995 and 1996, for the establishment and maintenance
2 of a scallop restoration program for Long Island Sound.

3 **SEC. 204. SALTONSTALL-KENNEDY PROGRAM AMEND-**
4 **MENTS.**

5 (a) IN GENERAL.—Section 2 of the Act of August
6 11, 1939 (15 U.S.C. 713c-3), popularly known as the
7 “Saltonstall-Kennedy Act”, is amended—

8 (1) by striking “SEC. 2.” the second place it
9 appears;

10 (2) in subsection (b)(1) by—

11 (A) striking subparagraph (B);

12 (B) striking “only for—” and all that fol-
13 lows through “the Secretary—” and inserting
14 “only for use by the Secretary—”;

15 (C) redesignating clauses (i), (ii), and (iii)
16 in order as subparagraphs (A), (B), and (C);
17 and

18 (D) moving subparagraphs (A), (B), and
19 (C), as redesignated by subparagraph (C) of
20 this paragraph, 2 ems to the left so that the
21 left margin of those subparagraphs is aligned
22 with the left margin of section 2(a)(5) of that
23 Act (15 U.S.C. 713c-3(a)(5)); and

24 (3) by striking the designation and heading for
25 subsection (c) and all that follows through para-

1 graph (4) of that subsection, and inserting the
2 following:

3 “(c) FISHERIES RESEARCH AND DEVELOPMENT
4 PROJECTS.—

5 “(1) IN GENERAL.—The Secretary shall make
6 grants from the fund established under subsection
7 (b) for the purpose of assisting persons in carrying
8 out research and development projects to promote
9 the sustainable use and development of United
10 States fisheries, including harvesting, processing,
11 aquaculture, marketing, and associated infrastruc-
12 tures.

13 “(2) SECRETARY’S DUTIES.—The Secretary
14 shall each fiscal year—

15 “(A) receive at least once, during a 60-day
16 period specified by the Secretary, applications
17 for grants under this subsection pursuant to a
18 Request for Proposals published in the Federal
19 Register;

20 “(B) prescribe in that Request for Propos-
21 als the form and manner in which applications
22 for grants under this subsection must be made,
23 including the specification of the information
24 which must accompany applications to ensure
25 that the proposed projects comply with Federal

1 law and can be properly evaluated under para-
2 graph (3);

3 “(C) include in that Request for Proposals
4 a list of priorities for grants under this sub-
5 section that is based on the priorities rec-
6 ommended for the fiscal year under paragraph
7 (3)(F); and

8 “(D) approve or disapprove each such
9 application—

10 “(i) based primarily on the rec-
11 ommendations of the grants review panel
12 established under paragraph (3) for the
13 fiscal year; and

14 “(ii) before the end of the 90-day pe-
15 riod beginning on the day after the last
16 day of the application period specified in
17 the Request for Proposals under subpara-
18 graph (A); and

19 “(E) to the extent amounts are available,
20 obligate funds for grants for approved applica-
21 tions before the end of the fiscal year for which
22 the funds are available, except that up to 10
23 percent of funds available for a fiscal year may
24 be obligated in the next fiscal year.

1 “(3) EVALUATION AND APPROVAL OF PROPOS-
2 ALS.—

3 “(A) SUITABILITY FOR EVALUATION.—For
4 each application received under paragraph (2)
5 in a fiscal year, the Secretary shall—

6 “(i) make a determination whether
7 the project proposed in the application
8 meets the requirements of this subsection
9 and is consistent with the priorities rec-
10 ommended for the fiscal year under sub-
11 paragraph (F); and

12 “(ii) if so, forward the proposal to the
13 grants review panel established for the fis-
14 cal year under subparagraph (B).

15 “(B) GRANTS REVIEW PANEL.—Each fis-
16 cal year, the Secretary shall establish a grants
17 review panel that consists of individuals with
18 expertise in fisheries research, development, or
19 management, that represents a balance among
20 those disciplines, that is balanced in the rep-
21 resentation of those disciplines, and that is bal-
22 anced in the representation of the geographic
23 regions of the United States. Each grants re-
24 view panel shall review each proposal forwarded
25 by the Secretary under subparagraph (A)(ii)

1 and make recommendations to the Secretary for
2 awarding grants under this subsection among
3 those proposals for the fiscal year, subject to
4 the criteria described in subparagraph (C) and
5 consistent with the funding available for the
6 fiscal year.

7 “(C) CRITERIA FOR EVALUATION OF PRO-
8 POSALS.—Each grants review panel shall evalu-
9 ate each proposal as to—

10 “(i) the value of the proposal in pro-
11 moting the purpose described in paragraph
12 (1) in general and in fulfilling the applica-
13 ble regional priorities recommended under
14 subparagraph (F);

15 “(ii) the soundness of its design (in-
16 cluding the likelihood of securing useful re-
17 sults, and the organization and manage-
18 ment of the proposal);

19 “(iii) the minimization of duplication
20 within fisheries research and development
21 activities; and

22 “(iv) based on the criteria in clauses
23 (i), (ii) and (iii), the overall quality and
24 rank of the proposal relative to the other
25 proposals under review.

1 “(D) INDUSTRIAL PARTNERS.—In evaluat-
2 ing and ranking proposals under this subsection
3 that are of equivalent overall quality and rank
4 based on the criteria set forth in subparagraph
5 (C), a grants review panel and the Secretary
6 shall give preference to proposals in which at
7 least 1 of the persons that would be a principal
8 grantee under the proposal receives a substan-
9 tial portion of income from seafood harvesting,
10 processing, marketing, or propagation.

11 “(E) NOTICE OF DECISION BY THE SEC-
12 RETARY.—If the Secretary approves or dis-
13 approves an application for a proposal contrary
14 to the recommendations of a grants review
15 panel, the Secretary shall notify the panel, the
16 Committee on Merchant Marine and Fisheries
17 of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transpor-
19 tation of the Senate in writing of that decision,
20 including the reasons for that decision.

21 “(F) RECOMMENDATIONS FOR FUTURE
22 FUNDING PRIORITIES.—Each grants review
23 panel shall, after evaluating proposals and mak-
24 ing grants recommendations, and after consult-
25 ing with interested parties, recommend to the

1 Secretary for the next fiscal year national and
2 regional priorities for grants under this sub-
3 section.

4 “(4) TERMS AND CONDITIONS.—Each grant
5 made under this subsection shall be subject to such
6 terms and conditions as the Secretary may require
7 to protect the interests of the United States, includ-
8 ing the following:

9 “(A) RECORDS.—The recipient of the
10 grant—

11 “(i) must keep such records as the
12 Secretary shall require as being necessary
13 and appropriate for disclosing the use
14 made of grant funds; and

15 “(ii) shall allow the Secretary and the
16 Comptroller General of the United States,
17 or any of their authorized representatives,
18 access to such records for purposes of
19 audit and examination.

20 “(B) AMOUNT OF GRANT.—The amount of
21 a grant may not be less than 50 percent of the
22 estimated cost of the project.

23 “(C) PERIOD OF GRANT.—A grant may
24 not provide funding for more than 2 years from

1 the date of the release of the funds to the
2 grantee.

3 “(D) STATUS REPORT.—The recipient of a
4 grant shall submit annually to the Secretary a
5 project status report. The Secretary may not
6 release funds to the recipient for any subse-
7 quent period of funding for that grant or for
8 any other grant to that recipient made by the
9 Secretary under this subsection until the Sec-
10 retary receives that report.”.

11 (b) APPLICATION.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the amendments made by this section
14 apply to fiscal years beginning after the date of the
15 enactment of this Act.

16 (2) LIST OF REGIONAL PRIORITIES.—Notwith-
17 standing section 2(c)(2)(C) of the Act of August 11,
18 1939, as amended by subsection (a)(2) of this sec-
19 tion, the list of priorities referred to in that section
20 for the first fiscal year beginning after the date of
21 the enactment of this Act is not required to be based
22 on priorities recommended under paragraph (3)(F)
23 of that section.

1 **TITLE III—ADMINISTRATION**
2 **AND OTHER ACCOUNTS**

3 **SEC. 301. PROGRAM SUPPORT.**

4 (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE
5 ACTIVITIES.—There are authorized to be appropriated to
6 the Secretary of Commerce, to enable the National Oce-
7 anic and Atmospheric Administration to carry out execu-
8 tive direction and administrative activities under the Act
9 of 1970 and any other law involving those activities,
10 \$25,000,000 for fiscal year 1995 and \$25,900,000 for
11 fiscal year 1996.

12 (b) SYSTEMS ACQUISITION OFFICE.—There are au-
13 thorized to be appropriated to the Secretary of Commerce,
14 to enable the National Oceanic and Atmospheric Adminis-
15 tration to operate and maintain the Systems Acquisition
16 Office under the Act of 1970, \$1,100,000 for fiscal year
17 1995 and \$1,140,000 for fiscal year 1996.

18 (c) CENTRAL ADMINISTRATIVE SUPPORT.—There
19 are authorized to be appropriated to the Secretary of Com-
20 merce, to enable the National Oceanic and Atmospheric
21 Administration to carry out central administrative support
22 activities under the Act of 1970 and any other law involv-
23 ing those activities, \$38,000,000 for fiscal year 1995 and
24 \$39,368,000 for fiscal year 1996.

1 (d) RETIRED PAY.—There are authorized to be ap-
2 propriated to the Secretary of Commerce, for retired pay
3 for retired commissioned officers of the National Oceanic
4 and Atmospheric Administration under the Act of 1970,
5 \$7,706,000 for fiscal year 1995 and \$7,983,000 for fiscal
6 year 1996.

7 (e) MARINE SERVICES.—There are authorized to be
8 appropriated to the Secretary of Commerce, to enable the
9 National Oceanic and Atmospheric Administration to
10 carry out marine services activities (including ship oper-
11 ations, maintenance, and support) under the Act of 1947
12 and any other law involving those activities, \$63,508,000
13 for fiscal year 1995 and \$65,794,000 for fiscal year 1996.

14 **TITLE IV—MISCELLANEOUS**
15 **NOAA PROGRAMS**

16 **SEC. 401. NAUTICAL PRODUCTS.**

17 (a) DEPOSIT AND USE OF RECEIPTS FROM NAU-
18 TICAL PRODUCTS.—Notwithstanding section 1307(b) of
19 title 44, United States Code, one-sixth of the fees collected
20 each fiscal year from the sale of nautical products by the
21 National Oceanic and Atmospheric Administration and
22 from any licensing of those products by the National Oce-
23 anic and Atmospheric Administration which is authorized
24 by law—

1 (1) shall be deposited into the Operations, Re-
2 search, and Facilities account of the National Oce-
3 anic and Atmospheric Administration; and

4 (2) shall be available to the Secretary of Com-
5 merce, in the manner provided for under section
6 312(d) of the National Marine Sanctuaries Act, only
7 for the acquisition and installation of Physical Ocean
8 Real-Time Systems, the acquisition and maintenance
9 of upgraded hydrographic survey equipment, and
10 other National Ocean Service activities directly relat-
11 ed to the modernization and improvement of mari-
12 time safety.

13 (b) BUDGETARY TREATMENT OF RECEIPTS FROM
14 NAUTICAL PRODUCTS.—Amounts deposited and available
15 to the Secretary of Commerce under subsection (a)(1) and
16 (2)—

17 (1) shall not be considered to be offsetting re-
18 ceipts of the National Oceanic and Atmospheric Ad-
19 ministration or the Department of Commerce; and

20 (2) shall not be available for administrative
21 costs of the National Oceanic and Atmospheric Ad-
22 ministration or the Department of Commerce.

23 (c) DEPLOYMENT OF PHYSICAL OCEAN REAL TIME
24 SYSTEM.—No later than 270 days after the date of enact-
25 ment of this Act, the Secretary of Commerce shall deploy,

1 in Galveston Bay and the Houston Ship Channel a Phys-
2 ical Ocean Real Time System consisting, at a minimum,
3 of current, wind, tide, salinity, and water level measuring
4 devices and necessary computer links.

5 **SEC. 402. USE OF OCEAN RESEARCH RESOURCES OF OTHER**
6 **FEDERAL AGENCIES.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) Changes in the defense needs of the United
9 States have redefined the status of many defense-
10 related assets.

11 (2) Observing, monitoring, and predicting the
12 ocean environment has been a high priority for the
13 defense community to support ocean operations.

14 (3) Many advances in ocean research have been
15 made by the defense community which could be
16 shared with civilian researchers.

17 (4) The National Oceanic and Atmospheric Ad-
18 ministration's missions to describe and predict the
19 ocean environment, manage the Nation's ocean and
20 coastal resources, and promote stewardship of the
21 world's oceans would benefit from increased coopera-
22 tion with defense agencies.

23 (b) SENSE OF CONGRESS.—It is the sense of the
24 Congress that the National Oceanic and Atmospheric Ad-
25 ministration should expand its efforts to develop inter-

1 agency agreements to further the use of defense-related
2 technologies, data, and other resources to support its oce-
3 anic missions.

4 (c) REPORT.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Commerce shall submit to the Committee
8 on Merchant Marine and Fisheries of the House of
9 Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a report
11 on the feasibility of expanding the use of defense-re-
12 lated technologies, data, and other resources to sup-
13 port and enhance the oceanic missions of the Na-
14 tional Oceanic and Atmospheric Administration.

15 (2) CONTENTS.—The report required under
16 paragraph (1) shall include—

17 (A) a detailed listing of defense-related re-
18 sources currently available to the National Oce-
19 anic and Atmospheric Administration and the
20 National Oceanic and Atmospheric Administra-
21 tion missions which utilize those resources;

22 (B) detailed findings and recommenda-
23 tions, including funding requirements, on the
24 potential for expanding the use of available de-
25 fense-related resources;

1 (C) a detailed listing and funding history
2 of the National Oceanic and Atmospheric Ad-
3 ministration resources, including data and tech-
4 nology, which could be supplemented by de-
5 fense-related resources;

6 (D) a listing of currently unavailable de-
7 fense-related resources, including data and
8 technology, which if made available would en-
9 hance the National Oceanic and Atmospheric
10 Administration mission performance;

11 (E) recommendations on the regulatory
12 and legislative structures needed to maximize
13 the use of defense-related resources;

14 (F) an assessment of the respective roles
15 in the use of defense-related resources of the
16 Corps, data centers, operational centers, and re-
17 search facilities of the National Oceanic and At-
18 mospheric Administration; and

19 (G) recommendations on how to provide
20 access to relevant defense-related data for non-
21 Federal scientific users.

22 **SEC. 403. NAUTICAL CHARTING MODERNIZATION AND IM-**
23 **PROVEMENT.**

24 (a) STUDY.—Not later than 270 days after the date
25 of the enactment of this Act, the Secretary of Commerce

1 shall submit to the Committee on Merchant Marine and
2 Fisheries of the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate a report on the status of National Oceanic and At-
5 mospheric Administration programs related to marine
6 navigation safety.

7 (b) CONTENTS.—The study under subsection (a)
8 shall include the funding history of navigation-related pro-
9 grams of the National Oceanic and Atmospheric Adminis-
10 tration, adjusted for inflation, over at least the last 10
11 fiscal years, and detailed findings and recommendations
12 on the following:

13 (1) The missions and objectives of National
14 Oceanic and Atmospheric Administration’s naviga-
15 tion-related programs, including regarding the statu-
16 tory or other authorities that enable or require the
17 National Oceanic and Atmospheric Administration
18 to conduct those programs.

19 (2) The technological, financial, or other factors
20 that limit the National Oceanic and Atmospheric
21 Administration’s ability to modernize its navigation-
22 related programs.

23 (3) Near-term actions, without regard to finan-
24 cial constraints, that are required to enable National
25 Oceanic and Atmospheric Administration to address

1 critical deficiencies in its navigation-related pro-
2 grams.

3 (4) Actions that need to be taken to allow the
4 National Oceanic and Atmospheric Administration
5 to fulfill its navigation-related responsibilities into
6 the 21st century.

7 (5) A comparison of the resources and activities
8 of National Oceanic and Atmospheric Administra-
9 tion's navigation-related programs with those of
10 other Federal agencies supporting the United States
11 maritime infrastructure.

12 (6) Past organizational changes within the Na-
13 tional Oceanic and Atmospheric Administration and
14 foreseeable future organizational changes that have
15 affected, or would affect, the ability of the National
16 Oceanic and Atmospheric Administration to provide
17 navigation-related services.

18 **SEC. 404. WEST COAST GROUND FISH LABORATORY.**

19 In selecting a site for placement of a replacement for
20 the National Marine Fisheries Service Lab at Tiburon,
21 California, the Secretary of Commerce shall take into ac-
22 count the following factors:

- 23 (1) The proximity of sites considered to—
24 (A) groundfish fisheries, salmon fisheries,
25 and other unique marine study areas;

1 (B) academic and private research institu-
2 tions which conduct relevant marine habitat
3 and environmental research;

4 (C) other National Oceanic and Atmos-
5 pheric Administration research and manage-
6 ment elements; and

7 (D) other Federal, State, and private ma-
8 rine related research facilities.

9 (2) The ability of the National Oceanic and At-
10 mospheric Administration to retain current staff.

11 (3) The relative construction and operation
12 costs, including the potential for collocation with
13 other Federal facilities.

14 **SEC. 405. MARINE SANCTUARIES FACILITIES.**

15 Not later than 120 days after the date of the enact-
16 ment of this Act, the Secretary of Commerce shall report
17 to the Committee on Merchant Marine and Fisheries of
18 the House of Representatives and the Committee on Com-
19 merce, Science, and Transportation of the Senate on needs
20 of the Department of Commerce for facilities (including
21 real property for facilities) for the National Marine Sanc-
22 tuary Program established under the National Marine
23 Sanctuaries Act (16 U.S.C. 1431 et seq.).

1 **SEC. 406. SAN FRANCISCO BAY PORT SYSTEM.**

2 (a) IN GENERAL.—The Secretary of Commerce
3 (hereinafter in this section referred to as the “Secretary”)
4 shall establish for San Francisco Bay in accordance with
5 this section the safe navigation system known as the Phys-
6 ical Ocean Real Time System (known, and hereinafter in
7 this section referred to, as the “PORT System”), after
8 completion of implementation of section 401(c).

9 (b) STUDY.—After completion of implementation of
10 section 401(c), and not later than 1 year after the date
11 of that completion, the Secretary shall conduct a
12 hydrodynamics modeling study of San Francisco Bay to
13 determine the appropriate technology and equipment and
14 the effective placement of instruments for the establish-
15 ment of the PORT System for San Francisco Bay.

16 (c) IMPLEMENTATION.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the completion of the study under subsection (b), the
19 Secretary, in consultation with the State of Califor-
20 nia Office of Oil Spill Prevention and Response and
21 subject to paragraph (2), shall acquire, install, and
22 activate appropriate equipment to establish an oper-
23 ational PORT System for the San Francisco Bay.

24 (2) CONDITION.—The Secretary may not take
25 any action under paragraph (1) unless the State of
26 California Office has provided to the Secretary ade-

1 quate assurances that the State will fund the oper-
2 ation and maintenance of the PORT System for San
3 Francisco Bay after its installation.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Secretary to carry
6 out this section \$4,200,000 for fiscal years 1995 and
7 1996.

8 **SEC. 407. CONVEYANCE OF NATIONAL MARINE FISHERIES**
9 **SERVICE LABORATORY AT GLOUCESTER,**
10 **MASSACHUSETTS.**

11 (a) CONVEYANCE REQUIRED.—

12 (1) IN GENERAL.—The Secretary of Commerce
13 shall convey to the Commonwealth of Massachusetts,
14 all right, title, and interest of the United States in
15 and to the property comprising the National Marine
16 Fisheries Service laboratory located on Emerson Av-
17 enue in Gloucester, Massachusetts.

18 (2) TERMS.—A conveyance of property under
19 paragraph (1) shall be made—

20 (A) without payment of consideration; and

21 (B) subject to the terms and conditions
22 specified under subsections (b) and (c).

23 (b) CONDITIONS FOR TRANSFER.—

24 (1) IN GENERAL.—As a condition of any con-
25 veyance of property under this section, the Common-

1 wealth of Massachusetts shall assume full respon-
2 sibility for maintenance of the property for as long
3 as the Commonwealth retains the right and title to
4 that property.

5 (2) CONTINUED USE OF PROPERTY BY NMFS.—

6 The Secretary may enter into a memorandum of un-
7 derstanding with the Commonwealth of Massachu-
8 setts under which the National Marine Fisheries
9 Service is authorized to occupy existing laboratory
10 space on the property conveyed under this section,
11 if—

12 (A) the term of the memorandum of un-
13 derstanding is for a period of not longer than
14 5 years beginning on the date of enactment of
15 this Act; and

16 (B) the square footage of the space to be
17 occupied by the National Marine Fisheries
18 Service does not conflict with the needs of, and
19 is agreeable to, the Commonwealth of Massa-
20 chusetts.

21 (c) REVERSIONARY INTEREST.—All right, title, and
22 interest in and to all property conveyed under this section
23 shall revert to the United States on the date on which
24 the Commonwealth of Massachusetts uses any of the prop-
25 erty for any purpose other than the Commonwealth of

1 Massachusetts Division of Marine Fisheries resource man-
2 agement program.

3 **SEC. 408. REIMBURSEMENT OF EXPENSES.**

4 (a) IN GENERAL.—Notwithstanding section 3302 (b)
5 and (c) of title 31, United States Code, and subject to
6 subsection (b) of this section, all amounts received by the
7 United States in settlement of, or judgment for, damage
8 claims arising from the October 9, 1992, allision of the
9 vessel ZACHERY into the National Oceanic and Atmos-
10 pheric Administration research vessel DISCOVERER—

11 (1) shall be retained as an offsetting collection
12 in the Fleet Modernization, Shipbuilding, and Con-
13 version account of the National Oceanic and Atmos-
14 pheric Administration;

15 (2) shall be deposited in that account upon re-
16 ceipt by the United States Government; and

17 (3) shall be available only for obligation for Na-
18 tional Oceanic and Atmospheric Administration ves-
19 sel repairs.

20 (b) LIMITATION.—Not more than \$518,757.09 of the
21 amounts referred to in subsection (a) may be deposited
22 into the Fleet Modernization, Shipbuilding, and Conver-
23 sion account pursuant to subsection (a).

24 **SEC. 409. NOAA FLEET MODERNIZATION.**

25 (a) AUTHORITY TO CONTRACT.—

1 (1) IN GENERAL.—The Secretary may enter
2 into only the following contracts in fiscal years 1995
3 and 1996 to implement the Plan:

4 (A) Repairs to extend the service life of the
5 R/V DISCOVERER.

6 (B) Construction of a medium endurance
7 oceanographic research vessel.

8 (C) A service life extension of the R/V
9 DELAWARE II.

10 (D) Conversion of a T-AGOS vessel for
11 oceanographic research.

12 (E) Construction of a coastal/low endur-
13 ance vessel for living marine research.

14 (F) Leasing to fulfill any NOAA mission
15 requirements.

16 (G) Necessary repairs to and maintenance
17 of any vessel in the NOAA fleet, subject to sub-
18 section (b).

19 (H) Necessary requirements, designs, and
20 specifications for future vessel repair, conver-
21 sion, construction, or lease.

22 (2) CONTRACT DEFINED.—Section 602 of the
23 NOAA Fleet Modernization Act (33 U.S.C. 891) is
24 amended by adding at the end the following:

1 “(6) ‘contract’ means any contract or other
2 agreement for the construction, conversion, lease,
3 chartering, service life extension, or repair or main-
4 tenance of any vessel of the NOAA fleet, and provi-
5 sion of related equipment, including the development
6 of any necessary requirement, design, or specifica-
7 tion. The term includes contracts entered into on be-
8 half of the Secretary by another Federal depart-
9 ment, agency, or instrumentality, if the vessel which
10 is the subject of the contract will be operated by or
11 for the benefit of the Department of Commerce.”.

12 (b) LIMITATION ON EXPENDITURES FOR REPAIRS
13 AND MAINTENANCE.—Notwithstanding any other law, of
14 the total amount appropriated for fiscal years 1991
15 through 1996 to the Fleet Modernization, Shipbuilding,
16 and Conversion account of the National Oceanic and At-
17 mospheric Administration, not more than 20 percent may
18 be expended by the Secretary for repairs and maintenance
19 of vessels in the NOAA fleet.

20 (c) LEASING AND CONTRACTS.—

21 (1) IN GENERAL.—The Secretary shall for each
22 of fiscal years 1995 and 1996, enter into contracts
23 or service contracts under the NOAA Fleet Mod-
24 ernization Act (33 U.S.C. 891 et seq.) to use Uni-

1 versity-National Oceanographic Laboratory System
2 or non-Federal vessels.

3 (2) AMOUNT SUBJECT TO OBLIGATION.—
4 Amounts subject to obligation under paragraph (1)
5 shall be, for each fiscal year, the greater of
6 \$6,000,000 or 10 percent of the amounts appro-
7 priated to the Fleet Modernization, Shipbuilding,
8 and Conversion account for fiscal years 1995 and
9 1996.

10 (d) DEFINITIONS.—In this section each of the terms
11 “contract”, “NOAA”, “NOAA fleet”, “Plan”, and “Sec-
12 retary” has the meaning given to that term in section 602
13 of the NOAA Fleet Modernization Act (33 U.S.C. 891),
14 as amended by this section.

15 **SEC. 410. STUDY OF NOAA CORPS.**

16 (a) STUDY.—The Secretary of Commerce shall, sub-
17 ject to the availability of appropriations, contract with the
18 Marine Board of the National Research Council to exam-
19 ine and report to the Secretary on the appropriate role
20 of the National Oceanic and Atmospheric Administration
21 Corps in supporting NOAA missions. In particular, the
22 Marine Board shall—

23 (1) examine whether there is a continued need
24 for a uniformed service to operate the NOAA fleet,
25 fly weather observations, conduct hydrographic sur-

1 veys, manage national marine sanctuaries, conduct
2 NOAA research, and participate in other NOAA
3 activities;

4 (2) examine the role of the NOAA Corps in
5 modernizing the NOAA fleet and the involvement of
6 the NOAA Corps in obtaining efficient, effective,
7 low-cost ship support of NOAA missions;

8 (3) compare the full costs of utilizing the serv-
9 ices of the NOAA Corps compared to civilian em-
10 ployees in similar positions; and

11 (4) determine whether adequately trained civil-
12 ian employees are available to fill NOAA Corps posi-
13 tions.

14 (b) DEADLINE.—No later than 1 year after the date
15 of enactment of this Act, the Secretary of Commerce shall
16 submit the report of the Marine Board under subsection
17 (a) to the Committee on Merchant Marine and Fisheries
18 of the House of Representatives and the Committee on
19 Commerce, Science, and Transportation of the Senate.

20 (c) DEFINITIONS.—In this section, the definitions in
21 section 409(d) apply.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary of Com-
24 merce to carry out this section a total of \$100,000 for

1 fiscal years 1995 and 1996, to remain available until
2 expended.

3 **SEC. 411. REPORT ON RESEARCH AND EFFECTS OF CLI-**
4 **MATE AND GLOBAL CHANGE ON FRESH-**
5 **WATER SYSTEMS.**

6 Within 60 days after the date of submission of the
7 President's budget request for each of fiscal years 1996
8 and 1997, the Secretary of Commerce shall submit a re-
9 port to the Committee on Merchant Marine and Fisheries
10 of the House of Representatives and the Committee on
11 Commerce, Science, and Transportation of the Senate,
12 on—

13 (1) the amount of funds allocated and the ac-
14 tivities supported for research on the effects of cli-
15 mate and global change on the Nation's major fresh-
16 water systems, including international commitments;

17 (2) the criteria used in determining those allo-
18 cations and in selecting those activities; and

19 (3) specific proposed agency plans for imple-
20 menting research programs and activities to evaluate
21 the effects of climate and global change on the Na-
22 tion's major freshwater systems.

1 **SEC. 412. PROMOTION AND COORDINATION OF NATIONAL**
2 **ESTUARINE RESEARCH RESERVES.**

3 The Secretary of Commerce shall take such action as
4 is necessary and reasonable to promote and coordinate the
5 use of National Estuarine Research Reserves for research,
6 monitoring, and education purposes. Such action may in-
7 clude consulting with Federal agencies, States, local gov-
8 ernments, regional agencies, interstate agencies, or other
9 persons to promote use of one or more such reserves for
10 research, monitoring, and education, including coordina-
11 tion with the National Marine Sanctuaries Program.

12 **SEC. 413. STUDY ON EFFECTS OF DOLPHIN FEEDING.**

13 (a) STUDY.—The Secretary of Commerce shall con-
14 duct a study on the effects of feeding noncaptive dolphins
15 in the Gulf of Mexico and Southern Atlantic Ocean. The
16 study shall consider the potential impacts on the behavior
17 or general health of wild populations of dolphins resulting
18 from this feeding.

19 (b) USE OF THE STUDY.—The Secretary of Com-
20 merce shall use the results of the study required under
21 subsection (a) in determining whether and under what
22 conditions feeding noncaptive dolphins may be authorized.

23 (c) REPORT.—Within 1 year after the date of enact-
24 ment of this Act, the Secretary shall submit to the Com-
25 mittee on Merchant Marine and Fisheries of the House
26 of Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a report on the
2 results of the study.

3 **SEC. 414. FLOWER GARDEN BANKS BOUNDARY MODIFICA-**
4 **TION.**

5 (a) MODIFICATION.—Notwithstanding section 304 of
6 the National Marine Sanctuaries Act (16 U.S.C. 1434),
7 the boundaries of the Flower Garden Banks National Ma-
8 rine Sanctuary, as designated by Public Law 102–251, are
9 amended to include the area described in subsection (d),
10 popularly known as Stetson Bank. This area shall be part
11 of the Flower Garden Banks National Marine Sanctuary
12 and shall be managed and regulated as though it had been
13 designated by the Secretary of Commerce under the
14 National Marine Sanctuaries Act.

15 (b) DEPICTION OF SANCTUARY BOUNDARIES.—The
16 Secretary of Commerce shall—

17 (1) prepare a chart depicting the boundaries of
18 the Flower Garden Banks National Marine Sanc-
19 tuary, as modified by this section; and

20 (2) submit copies of this chart to the Commit-
21 tee on Merchant Marine and Fisheries of the House
22 of Representatives and the Committee on Commerce,
23 Science, and Transportation of the Senate.

24 (c) APPLICATION OF REGULATIONS.—Regulations is-
25 sued by the Secretary of Commerce to implement the des-

1 ignition of the Flower Garden Banks National Marine
2 Sanctuary shall apply to the area described in subsection
3 (d), unless modified by the Secretary. This subsection
4 shall take effect 45 days after the date of enactment of
5 this Act.

6 (d) AREA DESCRIBED.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the area referred to in subsections (a),
9 (b), and (c) is the area that is—

10 (A) generally depicted on the Department
11 of the Interior, Minerals Management Service
12 map titled “Western Gulf of Mexico, Lease Sale
13 143, September 1993, Biologically Sensitive
14 Areas, Map 3 of 3, Final”;

15 (B) labeled “Stetson” on the High Island
16 Area South Addition diagram on that map; and

17 (C) within the 52 meter isobath.

18 (2) MINOR BOUNDARY ADJUSTMENTS.—The
19 Secretary of Commerce may make minor adjust-
20 ments to the boundaries of the area described in
21 paragraph (1) as necessary to protect the living
22 coral resources of Stetson Bank or to simplify ad-
23 ministration of the Flower Garden Banks National
24 Marine Sanctuary.

25 (e) PUBLICATION OF NOTICE.—

1 (1) IN GENERAL.—The Secretary of Commerce
 2 shall, as soon as practicable after the date of the en-
 3 actment of this Act, publish in the Federal Register
 4 a notice describing—

5 (A) the boundaries of the Flower Garden
 6 Banks National Marine Sanctuary, as modified
 7 by this section, and

8 (B) any modification of regulations appli-
 9 cable to that Sanctuary that are necessary to
 10 implement that modification of the boundaries
 11 of the Sanctuary.

12 (2) TREATMENT AS NOTICE REQUIRED UNDER
 13 NATIONAL MARINE SANCTUARIES ACT.—A notice
 14 published under paragraph (1) shall be considered to
 15 be the notice required to be published under section
 16 304(b)(1) of the National Marine Sanctuaries Act
 17 (16 U.S.C. 1434).

18 **SEC. 415. AMENDMENTS RELATING TO NATIONAL COASTAL**
 19 **RESOURCES RESEARCH AND DEVELOPMENT**
 20 **INSTITUTE.**

21 (a) ADMINISTRATION OF INSTITUTE.—Section
 22 201(a) of the Act entitled “An Act to authorize appropria-
 23 tions to carry out the Marine Mammal Protection Act of
 24 1972, for fiscal years 1985 through 1988, and for other
 25 purposes” (16 U.S.C. 1463b(a)) is amended by striking

1 “by the Oregon State Marine Science Center” and insert-
2 ing “by the Oregon State System of Higher Education”.

3 (b) FUNCTIONS OF INSTITUTE.—Section 201(b) of
4 such Act (16 U.S.C. 1463b(b)) is amended to read as
5 follows:

6 “(b) The Institute shall promote the economic growth
7 and prosperity of the United States by transferring re-
8 search and technology into applications to improve the
9 economic, environmental, and social well-being of the
10 Nation’s coastal communities and the competitiveness of
11 coastal businesses.”.

12 (c) MEMBERSHIP OF BOARD OF GOVERNORS.—Sec-
13 tion 201(c)(1) of such Act (16 U.S.C. 1463b(c)(1)) is
14 amended to read as follows:

15 “(c)(1) The policies of the Institute shall be deter-
16 mined by a Board of Governors composed of—

17 “(A) 1 representative appointed by the Chan-
18 cellor of the Oregon State System of Higher Edu-
19 cation; and

20 “(B) 1 representative of each of the following
21 regions, appointed jointly by Governors of the States
22 comprising that region:

23 “(i) The Alaska region, consisting of
24 Alaska.

1 “(ii) The Northwest Pacific Coast region,
2 consisting of Oregon and Washington.

3 “(iii) The Southwest Pacific Coast region,
4 consisting of California.

5 “(iv) The Pacific Islands region, consisting
6 of Hawaii, American Samoa, and Guam.

7 “(v) The Great Lakes region, consisting of
8 Pennsylvania, Ohio, Michigan, Indiana, Illinois,
9 Wisconsin, and Minnesota.

10 “(vi) The Gulf Coast region, consisting of
11 Texas, Louisiana, Mississippi, and Alabama.

12 “(vii) The South Atlantic and Caribbean
13 region, consisting of South Carolina, Georgia,
14 Florida, Puerto Rico, and the U.S. Virgin Is-
15 lands.

16 “(viii) The Mid-Atlantic region, consisting
17 of Delaware, Maryland, Virginia, and North
18 Carolina.

19 “(ix) The North Atlantic region, consisting
20 of New Jersey, New York, Connecticut, Rhode
21 Island, Massachusetts, New Hampshire, and
22 Maine.”.

23 (d) ADVISORY COUNCIL.—Section 201(d)(1) of such
24 Act (16 U.S.C. 1463b(d)(1)) is amended by inserting

1 “and leaders in coastal communities and businesses” after
2 “community”.

3 (e) CONFORMING AMENDMENT.—Section 201(e) of
4 such Act (16 U.S.C. 1463b(e)) is amended by striking
5 “Oregon Board of Higher Education” and inserting “Or-
6 egon State System of Higher Education”.

7 (f) REPORTS.—Section 201(g) of such Act (16
8 U.S.C. 1463b(g)) is amended to read as follows:

9 “(g) The Institute shall report to the Congress on
10 its activities annually, and shall report to the Secretary
11 of Commerce in a like manner biennially.”.

12 **SEC. 416. SENSE OF CONGRESS REGARDING PROMOTION**
13 **OF MINORITIES AND WOMEN IN COASTAL**
14 **AND OCEAN PROGRAMS.**

15 It is the sense of the Congress that the National Oce-
16 anic and Atmospheric Administration should develop and
17 promote programs that reach out to and recruit minorities
18 and women for education in the sciences and take actions
19 to increase the direct involvement of underrepresented mi-
20 norities in coastal and ocean resource stewardship pro-
21 grams carried out directly by the National Oceanic and
22 Atmospheric Administration and in partnership with State
23 and local governments, universities, and other entities. To
24 this end, the National Oceanic and Atmospheric Adminis-
25 tration should create minority internship programs to de-

1 develop a pool of professionals in coastal and ocean science
2 and management, and to make these programs an eligible
3 use of grant and program funds distributed by the Na-
4 tional Oceanic and Atmospheric Administration to States,
5 universities, and other entities.

6 **SEC. 417. CHESAPEAKE BAY.**

7 (a) REPEAL.—If by December 1, 1994, the Secretary
8 of Commerce fails to obligate all funds appropriated to
9 the Secretary of Commerce by Public Law 103–121 for
10 oyster disease research, section 307 of the National Oce-
11 anic and Atmospheric Administration Act of 1992 (15
12 U.S.C. 1511d), requiring the establishment of a National
13 Oceanic and Atmospheric Administration Chesapeake Bay
14 Estuarine Resources Office, is repealed.

15 (b) ASSIGNMENT OF FUNCTIONS.—If section 307 of
16 the National Oceanic and Atmospheric Administration Act
17 of 1992 (15 U.S.C. 1511d) is repealed by subsection (a),
18 the Secretary of Commerce shall immediately—

19 (1) enter into a cooperative agreement with the
20 directors of the Maryland and Virginia Sea Grant
21 colleges to administer all funds appropriated to the
22 Secretary of Commerce under any law for oyster dis-
23 ease research and Chesapeake Bay studies; and

24 (2) transfer the functions of the former Na-
25 tional Oceanic and Atmospheric Administration

1 Chesapeake Bay Estuarine Resources Office to the
2 Director of the Coastal Ocean Program.

3 The Director may delegate any of the functions trans-
4 ferred under paragraph (2) to the directors of the Mary-
5 land and Virginia Sea Grant colleges under the coopera-
6 tive agreement required under paragraph (1).

7 (c) REPEAL AND AUTHORIZATION OF APPROPRIA-
8 TIONS.—

9 (1) REPEAL.—Section 2(e) of the National Oce-
10 anic and Atmospheric Administration Marine Fish-
11 eries Program Authorization Act (Public Law 98–
12 210, 97 Stat. 1409) is repealed.

13 (2) AUTHORIZATION.—There is authorized to
14 be appropriated to the Secretary of Commerce to im-
15 plement section 307 of the National Oceanic and At-
16 mospheric Administration Act of 1992 (15 U.S.C.
17 1511d) and this section, \$2,500,000 for each of fis-
18 cal years 1995 and 1996, to remain available until
19 expended.

20 **SEC. 418. WEATHER REPORTING STATIONS FOR PRINCE**
21 **WILLIAM SOUND.**

22 (a) INSTALLATION.—To provide more comprehensive
23 weather information to ensure the safety of fishermen and
24 tank vessels and to protect the resources of Prince William
25 Sound from potential oil spills, the Secretary of Commerce

1 may expend \$340,000 to acquire, construct, and install
2 weather reporting stations in Prince William Sound, Alas-
3 ka, as follows:

4 (1) In the vicinity of Seal Rocks, to acquire and
5 install a weather buoy capable of measuring and re-
6 porting wind speed and direction, barometric pres-
7 sure, wave height and period, and air temperature.

8 (2) On the existing tower at Bligh Reef, to ac-
9 quire and install a weather instrument capable of
10 measuring and reporting wind speed and direction.

11 (3) At Potato Point, to relocate the existing an-
12 emometer to a more exposed location in order to
13 provide more accurate information.

14 (4) At the Hinchinbrook Lighthouse site, to ac-
15 quire and install an anemometer.

16 (b) MAINTENANCE.—The Secretary of Commerce
17 may expend \$160,000 in each of fiscal years 1995 and
18 1996 to maintain the equipment identified in subsection
19 (a).

20 **SEC. 419. PURCHASE OF REMOTELY SENSED SCIENCE**
21 **DATA.**

22 (a) IN GENERAL.—To the maximum extent possible,
23 the Secretary of Commerce shall purchase from the pri-
24 vate sector remotely sensed science data. Examples of such
25 data include scientific data concerning the impact of

1 oceans worldwide on global climate change and concerning
2 the condition of the oceans.

3 (b) COMPETITIVE BIDDING.—(1) Contracts for the
4 purchase of remotely sensed data under this section shall
5 be awarded in a process of full, fair, and open competitive
6 bidding.

7 (2) Submission of cost data, either for the purposes
8 of supporting the bid or fulfillment of the contract, shall
9 not be required of bidders.

10 (3) Conformance with military specifications
11 (Milspec) or Department of Commerce specifications sys-
12 tems with respect to the design, construction, or operation
13 of equipment used in obtaining remotely sensed data
14 under contracts entered into under this section shall not
15 be a requirement for a commercial provider bidding to pro-
16 vide such services.

17 (4) Contracts under this section shall not provide for
18 the Federal Government to obtain ownership of data not
19 specifically sought by the Federal Government.

20 **SEC. 420. PURCHASE OF AMERICAN-MADE EQUIPMENT AND**
21 **PRODUCTS.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that, to the greatest extent practicable, all equip-
24 ment and products purchased with funds made available
25 in this Act should be American-made.

1 (b) NOTICE REQUIREMENT.—In providing financial
2 assistance to, or entering into any contract with, any en-
3 tity using funds made available in this Act, the head of
4 each Federal agency, to the greatest extent practicable,
5 shall provide to such entity a notice describing the state-
6 ment made in subsection (a) by the Congress.

7 **TITLE V—GREAT LAKES** 8 **IMPROVEMENTS**

9 **SEC. 501. SHORT TITLE.**

10 This title may be cited as the “National Oceanic and
11 Atmospheric Administration Great Lakes Improvements
12 Act”.

13 **SEC. 502. GREAT LAKES OFFICE.**

14 (a) ESTABLISHMENT.—The Under Secretary may es-
15 tablish and maintain within the Administration a Great
16 Lakes Office in the Washington, District of Columbia
17 area.

18 (b) PURPOSE.—The purpose of the Great Lakes Of-
19 fice shall be to promote and coordinate Administration re-
20 search, monitoring, and assessment work in the Great
21 Lakes region consistent with the goals of the Great Lakes
22 Water Quality Agreement.

23 (c) DIRECTOR.—The Director of the Great Lakes Of-
24 fice shall be an individual with extensive knowledge and

1 expertise in the Great Lakes ecosystem, and with appro-
2 priate administrative experience.

3 **SEC. 503. GREAT LAKES REPORT.**

4 (a) CONTENTS.—Subject to the availability of appro-
5 priations under section 505, the Under Secretary, in con-
6 sultation with the Director of the Great Lakes Office if
7 established, shall prepare and submit to Congress an an-
8 nual Great Lakes Report in accordance with this section.
9 The Report shall provide information relating to Great
10 Lakes ecosystem research, monitoring, and assessment,
11 including—

12 (1) the individual activities, projects, or propos-
13 als conducted by the Administration in the previous
14 fiscal year, including a summary of funds expended
15 in support of these activities, projects, or proposals;

16 (2) the amount of funds received from the Ad-
17 ministration by each State or local government unit
18 bordering the Great Lakes;

19 (3) the amount of funds received by individuals
20 or institutions residing or located within a State bor-
21 dering the Great Lakes;

22 (4) an inventory of Administration facilities and
23 personnel located in a State bordering the Great
24 Lakes or in the Great Lakes used to conduct or sup-

1 port Administration-funded activities, projects, or
2 proposals in the Great Lakes, including vessels;

3 (5) the proposed Administration activities,
4 projects, and proposals to benefit the Great Lakes
5 ecosystem for the current fiscal year, including re-
6 quested funds; and

7 (6) a proposal for increasing the presence of the
8 Administration in the Great Lakes, and improving
9 the coordination of research within the Administra-
10 tion and with other entities, including the Govern-
11 ment of Canada.

12 (b) DEADLINE.—Subject to the availability of appro-
13 priations under section 505, the Under Secretary shall
14 submit the Great Lakes Report to the Congress by Octo-
15 ber 1 of 1995, 1996, 1997, and 1998.

16 **SEC. 504. DEFINITIONS.**

17 In this title—

18 (1) the term “Administration” means the Na-
19 tional Oceanic and Atmospheric Administration;

20 (2) the term “Great Lakes” means—

21 (A) Lake Erie, Lake Huron, Lake Michi-
22 gan, Lake Ontario, and Lake Superior;

23 (B) their connecting waters, including the
24 St. Marys River, the St. Clair River, Lake St.

1 Clair, the Detroit River, and the Niagara River;
2 and

3 (C) the St. Lawrence River;

4 (3) the term “Great Lakes Water Quality
5 Agreement” means the bilateral agreement between
6 the United States and Canada which was signed in
7 1978 and amended by the Protocol of 1987; and

8 (4) the term “Under Secretary” means the
9 Under Secretary of Commerce for Oceans and At-
10 mosphere.

11 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated to the Under
13 Secretary to carry out this title \$100,000 for each of fiscal
14 years 1995, 1996, 1997, and 1998.

15 **TITLE VI—NATIONAL UNDERSEA**
16 **RESEARCH PROGRAM**

17 **SEC. 601. SHORT TITLE.**

18 This title may be cited as the “National Undersea
19 Research Program Act of 1994”.

20 **SEC. 602. DEFINITIONS.**

21 For the purposes of this title, the term—

22 (1) “Administration” means the National Oce-
23 anic and Atmospheric Administration;

24 (2) “Center” means any National Undersea Re-
25 search Center in existence on the day before the

1 date of enactment of this Act or established under
2 section 605;

3 (3) “Center Director” means the Director of
4 any National Undersea Research Center;

5 (4) “Committee” means the National Undersea
6 Research Advisory Committee established under sec-
7 tion 604;

8 (5) “Office” means the Office of Undersea Re-
9 search established by section 603(d)(1);

10 (6) “priority research area” means any of the
11 priority research areas set forth in section 603(f)(1),
12 as those areas may be revised by the Under Sec-
13 retary under section 603(f)(2);

14 (7) “Program” means the National Undersea
15 Research Program established under section 603;

16 (8) “Program Director” means the Director of
17 the National Undersea Research Program appointed
18 pursuant to section 603(d)(2);

19 (9) “undersea region” means each of—

20 (A) the United States Northern Atlantic
21 region, comprised of the coastal and oceanic
22 waters and seabed north of Montauk, New
23 York, and off Maine, New Hampshire, Massa-
24 chusetts, Rhode Island, and Connecticut;

1 (B) the Mid-Atlantic Bight region, com-
2 prised of the coastal and oceanic waters and
3 seabed south of Montauk, New York, and off
4 New York, New Jersey, Pennsylvania, Dela-
5 ware, Maryland, and Virginia;

6 (C) the United States Southern Atlantic
7 region, comprised of the coastal and oceanic
8 waters and seabed off North Carolina, South
9 Carolina, Georgia, and the Atlantic coast of
10 Florida (including the Florida Keys);

11 (D) the Gulf of Mexico region, comprised
12 of the coastal and oceanic waters and seabed of
13 the Gulf of Mexico off Florida, Alabama, Mis-
14 sissippi, Louisiana, and Texas;

15 (E) the Great Lakes region, comprised of
16 the waters and lake beds of the Great Lakes;

17 (F) the California region, comprised of the
18 coastal and oceanic waters and seabed off
19 California;

20 (G) the United States Northeast Pacific
21 region, comprised of the coastal and oceanic
22 waters and seabed off Oregon, Washington, and
23 Alaska;

24 (H) the Western Pacific region, comprised
25 of the coastal and oceanic waters and seabed off

1 Hawaii, Johnston Island, Guam, American
2 Samoa, and the Northern Mariana Islands, and
3 other Western Pacific waters and seabed rel-
4 evant to the purpose of the Program;

5 (I) the Caribbean region, comprised of the
6 coastal and oceanic waters and seabed off Puer-
7 to Rico, the United States Virgin Islands, and
8 other tropical and subtropical waters and sea-
9 bed relevant to the purposes of the Program;
10 and

11 (J) any other undersea region resulting
12 from a modification under section 603(e)(5);

13 (10) “undersea research” means scientific re-
14 search carried out in the oceans or large lakes of the
15 world, using advanced underwater technology includ-
16 ing diving, underwater observatories and labora-
17 tories, research submersibles, remotely operated ve-
18 hicles, autonomous vehicles, and any other research
19 techniques necessary to carry out the provisions of
20 this title; and

21 (11) “Under Secretary” means the Under Sec-
22 retary of Commerce for Oceans and Atmosphere.

1 **SEC. 603. ESTABLISHMENT AND ADMINISTRATION OF NA-**
2 **TIONAL UNDERSEA RESEARCH PROGRAM.**

3 (a) PROGRAM ESTABLISHMENT AND MAINTE-
4 NANCE.—The Under Secretary shall establish and main-
5 tain in the Administration a program to be known as the
6 “National Undersea Research Program”.

7 (b) PROGRAM PURPOSE.—The purpose of the Pro-
8 gram shall be to enhance scientific understanding of proc-
9 esses in the oceans and large lakes of the world, by—

10 (1) developing, maintaining, and carrying out
11 undersea research programs;

12 (2) investigating, developing, and applying tech-
13 nology for undersea research; and

14 (3) developing new approaches to undersea
15 technology transfer and marine science education.

16 (c) NATIONAL UNDERSEA RESEARCH CENTERS.—
17 The Program shall be conducted by the National Undersea
18 Research Centers established pursuant to section 605(a).

19 (d) OFFICE OF UNDERSEA RESEARCH.—

20 (1) ESTABLISHMENT.—There is established in
21 the Administration the Office of Undersea Research.

22 (2) PROGRAM DIRECTOR.—The head of the Of-
23 fice and Program Officer of the National Undersea
24 Research Program is the Director of the National
25 Undersea Research Program, who shall be appointed
26 by the Under Secretary from among individuals with

1 extensive knowledge and expertise in undersea re-
2 search and having appropriate administrative experi-
3 ence.

4 (e) DUTIES OF PROGRAM DIRECTOR.—Subject to the
5 supervision of the Under Secretary, the Program Director
6 shall carry out the following duties:

7 (1) Facilitate and support the activities of
8 Centers.

9 (2) Establish guidelines for the submission and
10 review of proposals from the Centers and proposals
11 from individual researchers that are submitted to
12 the Centers for research under the Program.

13 (3) Make grants and enter into contracts and
14 cooperative agreements under section 608 to ad-
15 vance knowledge in the priority research areas
16 through the Centers.

17 (4) Support the Memorandum of Agreement
18 Concerning Support of a National Academic Deep
19 Submergence Facility for Scientific Use.

20 (5) Modify undersea regions as necessary and
21 appropriate.

22 (6) Carry out any other duty assigned to the
23 Program Director by this title.

24 (f) PRIORITY RESEARCH AREAS.—

1 (1) IN GENERAL.—The Under Secretary may
2 use amounts appropriated for the Program to fund
3 research, including long-term studies, within the fol-
4 lowing priority research areas:

5 (A) Oceanic, coastal, estuarine, and
6 limnological processes.

7 (B) Pathways and fates of materials in the
8 oceans and large lakes.

9 (C) Diversity, distribution, productivity,
10 and recruitment of organisms, including com-
11 mercially valuable species, with respect to habi-
12 tat characteristics in the oceans and large
13 lakes.

14 (D) Global change processes.

15 (E) Ocean lithosphere processes and min-
16 eral resources.

17 (F) Undersea research platform and in-
18 strument technology.

19 (G) Diving safety, physiology, and tech-
20 nology.

21 (H) Studies under section 21(e) of the
22 Outer Continental Shelf Lands Act (43 U.S.C.
23 1347(e)).

24 (2) REVISION OF PRIORITY AREAS.—Upon the
25 recommendation of the Committee, the Under Sec-

1 retary may, after public comment, revise the priority
2 research areas under paragraph (1).

3 **SEC. 604. ADVISORY COMMITTEE.**

4 (a) ESTABLISHMENT OF COMMITTEE.—The Under
5 Secretary shall establish an independent advisory commit-
6 tee to be known as the “National Undersea Research
7 Advisory Committee”.

8 (b) COMPOSITION.—

9 (1) IN GENERAL.—The Committee shall consist
10 of 9 members appointed by the Under Secretary
11 from individuals who are eminent professional sci-
12 entists or engineers and active in at least one prior-
13 ity research area, of whom 2 members shall be ap-
14 pointed from individuals nominated by Center Direc-
15 tors. The Under Secretary shall complete appoint-
16 ments under this paragraph by not later than 6
17 months after the date of the enactment of this Act.

18 (2) BALANCE.—In appointing members of the
19 Committee, the Under Secretary shall seek to ensure
20 balanced representation of—

21 (A) priority research areas,

22 (B) disciplines related to priority research
23 areas, and

24 (C) geographic regions of the United
25 States.

1 (3) PROHIBITION ON APPOINTMENTS.—Except
2 as provided in paragraph (4), no member of the
3 Committee may be an employee of a Center or of the
4 Administration.

5 (4) EX OFFICIO MEMBERS OF THE COMMIT-
6 TEE.—The Chief Scientist of the Administration
7 shall be a nonvoting ex officio member of the Com-
8 mittee.

9 (c) DUTIES.—The Committee shall—

10 (1) advise the Under Secretary and the Pro-
11 gram Director concerning—

12 (A) the quality of research performed with
13 grants awarded under this title, the applicabil-
14 ity of such research to the priority research
15 areas;

16 (B) the designation, establishment, and op-
17 eration of Centers;

18 (C) the modification of undersea regions;

19 (D) the need to revise the priority research
20 areas; and

21 (E) any other matters that the Under Sec-
22 retary refers to the Committee for review and
23 advice, or that the Committee considers appro-
24 priate; and

1 (2) carry out any other duty specifically as-
2 signed to the Committee by this title.

3 (d) TERM OF MEMBERSHIP.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the term of membership on the Committee shall be
6 3 years.

7 (2) INITIAL APPOINTMENTS.—Of the members
8 first appointed to the Committee—

9 (A) 3 members shall serve a term of 1
10 year;

11 (B) 3 members shall serve a term of 2
12 years; and

13 (C) 3 members shall serve a term of 3
14 years;

15 as specified by the Under Secretary at the time of
16 appointment.

17 (3) TERM LIMITATION.—No individual may
18 serve consecutive terms as a member of the Commit-
19 tee.

20 (e) COMPENSATION.—Members of the Committee,
21 while performing official duties as members of the Com-
22 mittee, are entitled to receive compensation for travel and
23 transportation expenses under section 5703 of title 5,
24 United States Code.

1 (f) CHAIRPERSON.—The members of the Committee
2 shall select annually from among the voting members of
3 the Committee an individual who shall serve as Chair-
4 person of the Committee. No member of the Committee
5 may serve more than 2 annual terms as Chairperson.

6 (g) CONDUCT OF BUSINESS.—The Committee shall
7 conduct its business according to the majority vote of
8 those members present at a meeting of the Committee.

9 (h) PUBLIC PARTICIPATION.—The following guide-
10 lines apply to the conduct of business by the Committee:

11 (1) Each meeting shall be open to the public,
12 and interested persons shall be permitted an oppor-
13 tunity to present oral or written statements on items
14 on the agenda.

15 (2) Timely notice of each meeting, including the
16 time, place, and agenda, shall be published in the
17 Federal Register and copies sent to all Center Direc-
18 tors.

19 (i) EXEMPTION.—The Federal Advisory Committee
20 Act (5 U.S.C. App.) shall not apply to the Committee.

21 **SEC. 605. ESTABLISHMENT OF NATIONAL UNDERSEA RE-**
22 **SEARCH CENTERS.**

23 (a) ASSIGNMENT OF EXISTING REGIONS AND ESTAB-
24 LISHMENT OF NEW CENTERS.—

1 (1) ASSIGNMENT OF REGIONS TO EXISTING
2 CENTERS.—There are assigned to the Centers in ex-
3 istence on the day before the date of the enactment
4 of this Act undersea regions, as follows:

5 (A) The Western Pacific region is assigned
6 to the Hawaii Undersea Research Laboratory.

7 (B) The United States Northeast Pacific
8 and Californian regions are assigned to the
9 West Coast National Undersea Research Center
10 at the University of Alaska-Fairbanks.

11 (C) The United States Northern Atlantic
12 and Great Lakes regions are assigned to the
13 National Undersea Research Center at the Uni-
14 versity of Connecticut at Avery Point.

15 (D) The Mid-Atlantic Bight region is as-
16 signed to the New York Bight National Under-
17 sea Research Center.

18 (E) The United States Southern Atlantic
19 region is assigned to the National Undersea Re-
20 search Center at the University of North Caro-
21 lina at Wilmington.

22 (F) The Caribbean region is assigned to
23 the National Undersea Research Center at the
24 Caribbean Marine Research Center.

1 (G) The Gulf of Mexico region is assigned
2 to a new center to be established pursuant to
3 subsection (f).

4 (2) ESTABLISHMENT OF NEW CENTERS.—The
5 Under Secretary may establish a new Center to im-
6 plement the Program for any undersea region at an
7 institution of higher education or oceanographic re-
8 search located in a State bordering the region—

9 (A) if there is a clearly demonstrated, sci-
10 entific need for such a Center;

11 (B) if there are adequate funds available
12 for the establishment of the Center;

13 (C) after reviewing each proposal submit-
14 ted under subsection (b) with respect to that re-
15 gion; and

16 (D) if the Committee concurs in the selec-
17 tion of that institution.

18 (3) LIMITATION.—The Under Secretary may
19 not establish a new Center for an undersea region
20 if the expenditure of amounts for that Center would
21 result in any reduction of amounts available for ex-
22 penditure for any other Center.

23 (b) SOLICITATION OF PROPOSALS FOR NEW CEN-
24 TERS.—

1 (1) IN GENERAL.—The Under Secretary may
2 solicit proposals for the establishment of a new Cen-
3 ter under subsection (a)(2) from institutions of high-
4 er education or oceanographic research.

5 (2) PROPOSAL REQUIREMENTS.—A proposal
6 under this subsection shall consist of—

7 (A) a proposed science program;

8 (B) a program management plan;

9 (C) a description of the facilities of the in-
10 stitution at which the new Center is proposed to
11 be established;

12 (D) a description of relevant capabilities of
13 that institution;

14 (E) an operational safety plan;

15 (F) mechanisms for information transfer;

16 (G) a budget for the proposed Center; and

17 (H) any other information the Under Sec-
18 retary considers necessary.

19 (c) REVIEW OF PROPOSALS.—The Under Secretary
20 and the Committee shall review each proposal submitted
21 under subsection (b) on the basis of—

22 (1) relevance of the proposal to priority re-
23 search areas; and

24 (2) the capability of the applicant institution to
25 administer and direct research in those areas.

1 (d) CENTER DIRECTOR.—Each institution at which
2 a Center is established under this section may select, in
3 consultation with the Office, an individual who shall be
4 the Center Director of that Center.

5 (e) 6-YEAR REVIEW OF CENTERS AND REGIONS.—

6 (1) IN GENERAL.—Every 6 years the Under
7 Secretary and the Committee shall jointly review—

8 (A) the operation of each Center, except
9 that in the case of a Center in existence on the
10 day before the date of the enactment of this
11 Act, the first review of the Center shall be com-
12 pleted by not later than the date which is 5
13 years after that date of enactment; and

14 (B) the configuration of undersea regions
15 to determine whether those regions meet sci-
16 entific needs for research in priority research
17 areas.

18 (2) CONTENT OF REVIEW.—A review under this
19 subsection shall consist of—

20 (A) an evaluation of the quality of the re-
21 search conducted at the Center under the Pro-
22 gram and the applicability of the research to
23 the priority research areas, including consider-
24 ation of the reviews conducted under section
25 606(c);

1 (B) recommendations for changes in the
2 scientific research program and the operation of
3 the Center, that are considered beneficial by the
4 Committee and the Under Secretary;

5 (C) a determination of whether the contin-
6 ued operation of the Center will increase knowl-
7 edge in the priority research areas; and

8 (D) recommendations for the modification
9 of the undersea regions of the Center.

10 (3) ESTABLISHMENT OF NEW CENTER AT DIF-
11 FERENT INSTITUTION.—If the Under Secretary and
12 the Committee determine as a result of a review
13 under this subsection that continued operation of a
14 Center is not warranted, the Under Secretary—

15 (A) shall provide notification of that deter-
16 mination to the Center, including a description
17 of any changes in the operations of the Center
18 the Under Secretary considers necessary for
19 continued operation of the Center;

20 (B) shall after 18 months after providing
21 that notice, and not later than 2 years after
22 providing that notice, review the implementa-
23 tion of those changes by the Center; and

24 (C) may establish, at a different institution
25 of higher education or oceanographic research,

1 a new Center for the same undersea region in
2 accordance with this section, if the Under Sec-
3 retary determines as a result of the review
4 under subparagraph (B) that those changes are
5 not implemented.

6 (f) NEW CENTER.—

7 (1) GULF OF MEXICO.—

8 (A) ESTABLISHMENT.—Notwithstanding
9 subsection (a)(2) and (a)(3), the Under Sec-
10 retary shall establish at a qualified public insti-
11 tution a Center to conduct the Program for the
12 Gulf of Mexico undersea region, which shall be
13 known as the “Gulf of Mexico National Under-
14 sea Research Center”. The Under Secretary
15 shall establish that Center no later than 60
16 days after the date of enactment of this Act.

17 (B) DEFINITION.—For the purposes of
18 this paragraph, the term “qualified public insti-
19 tution” means a public institution or consor-
20 tium of public institutions of higher edu-
21 cation—

22 (i) located directly on the coastline of,
23 or having direct access to, the Gulf of
24 Mexico;

1 (ii) with strong undergraduate and
2 graduate programs in engineering, science,
3 and technology as they may apply to un-
4 dersea research;

5 (iii) with nationally recognized pro-
6 grams in marine science and maritime
7 studies, with strong consideration given to
8 any institution with a degree granting
9 maritime academy;

10 (iv) with facilities for maintaining and
11 operating research and other vessels appro-
12 priate for deployment of equipment nec-
13 essary to conduct undersea research;

14 (v) with faculty and other personnel
15 with expertise in undersea research;

16 (vi) capable of fully utilizing and
17 working closely with the National Marine
18 Sanctuary System in the Gulf of Mexico;
19 and

20 (vii) capable of developing and main-
21 taining cooperative undersea research pro-
22 grams with Mexico.

23 (2) LIMITATION.—In carrying out this sub-
24 section, the Under Secretary shall not reduce
25 amounts available for carrying out the Memorandum

1 of Agreement Concerning Support of a National
2 Academic Deep Submergence Facility for Scientific
3 Use.

4 **SEC. 606. NATIONAL UNDERSEA RESEARCH CENTER RE-**
5 **SEARCH PROGRAMS.**

6 (a) INDIVIDUAL RESEARCH PROPOSALS.—

7 (1) SOLICITATION.—Each Center Director shall
8 annually solicit individual proposals from the sci-
9 entific community for research to advance the prior-
10 ity research areas of the Program. Research under
11 each proposal shall be primarily conducted within
12 the undersea region of the Center, but may be con-
13 ducted in another undersea region in cooperation
14 with the Center for that region, or other geographic
15 areas with the approval of the Program Director. In-
16 dividual proposals shall adhere to guidelines estab-
17 lished by the Program Director pursuant to section
18 603(e)(2). Proposals under this paragraph may be
19 for multiyear research.

20 (2) INDIVIDUAL PROPOSAL REVIEW PROCESS.—

21 (A) IN GENERAL.—Each individual pro-
22 posal shall be reviewed by an independent re-
23 view panel and by not less than 3 anonymous
24 mail reviewers. Each independent review panel
25 shall be composed of not less than 4 individuals

1 with experience in undersea research appointed
2 by the Program Director, at least one of whom
3 shall be a member of the Committee.

4 (B) PANEL REVIEW.—Each review by an
5 independent review panel shall—

6 (i) assess the scientific merit of the
7 individual research proposal;

8 (ii) assess the ability of the Center to
9 carry out the proposed research; and

10 (iii) the applicability of the proposal
11 to the priority research areas.

12 (C) MAIL REVIEWS.—Each mail review
13 shall consider—

14 (i) the scientific merit of the proposal;
15 and

16 (ii) the capability of the principal in-
17 vestigator to carry out or support the pro-
18 posed research.

19 (3) ALLOWANCE FOR RESPONSE.—

20 (A) IN GENERAL.—Subject to any regula-
21 tion that is issued by the Program Director, a
22 Center Director shall—

23 (i) provide to each person who sub-
24 mits to the Center a proposal under this
25 section blinded copies of all mail reviews of

1 the proposal conducted under paragraph
2 (2), and

3 (ii) give the person not more than 14
4 days to respond to those reviews before
5 rendering any final decision regarding
6 funding for the proposal.

7 (B) REVIEW OF PROCESS BY COMMIT-
8 TEE.—Not later than 3 years after the date of
9 the enactment of this Act, the Committee
10 shall—

11 (i) whether all Centers are implement-
12 ing subparagraph (A);

13 (ii) determine whether the opportunity
14 of persons who submit proposals to re-
15 spond to reviews pursuant to subparagraph
16 (A) has been utilized by those persons;

17 (iii) determine whether those re-
18 sponses have been effective in ensuring full
19 and fair consideration of those proposals;
20 and

21 (iv) recommend to the Program Direc-
22 tor that the procedures established by sub-
23 paragraph (A) be continued, terminated, or
24 modified (including the specific modifica-
25 tions which should be made).

1 (C) REGULATIONS IMPLEMENTING REC-
2 OMMENDATIONS.—The Program Director may
3 issue regulations implementing any rec-
4 ommendation made by the Committee under
5 subparagraph (B)(iv).

6 (b) PROPOSED CENTER PROGRAM.—Each fiscal year
7 each Center Director shall submit to the Program Direc-
8 tor—

9 (1) a proposed program for the Center for the
10 upcoming fiscal year, which shall adhere to guide-
11 lines established by the Program Director pursuant
12 to section 603(e)(2) and shall include—

13 (A) a description of the activities per-
14 formed and research funded by the Center in
15 the previous fiscal year;

16 (B) those individual research proposals
17 submitted under subsection (a) that the Center
18 Director determines to be meritorious based on
19 reviews conducted under that subsection;

20 (C) a proposed budget for the operation of
21 the Center for the current fiscal year;

22 (D) any other materials requested by the
23 Program Director to clarify the proposed pro-
24 gram; and

1 (E) an annually revised long-range re-
2 search and operations plan; and

(2) reviews, and responses thereto, of all individual research proposals submitted to the Center Director for the upcoming fiscal year.

(c) REVIEW OF PROPOSED CENTER PROGRAMS.—

The Program Director shall review the proposed programs submitted by each Center Director under subsection (b) and make recommendations to the Under Secretary for funding allocations under section 608(b).

(d) GIFTS, DEVISES, AND BEQUESTS.—Each Center may accept, solicit, and use the services of volunteers, and may accept, receive, hold, administer, and use gifts, devises, and bequests, to carry out the research program of the Center.

16 SEC. 607. PROCEDURES FOR JOINT REVIEW OF RESEARCH
17 PROPOSALS.

18 The Under Secretary, in consultation with the Pro-
19 gram Director and the Committee and jointly with the Di-
20 rector of the National Science Foundation and the Sec-
21 retary of the Navy, shall—

(1) develop procedures for the submittal and joint review of proposals for research in priority research areas to be carried out with assistance from 2 or more agencies within the Department of Com-

1 merce, the National Science Foundation, or the De-
2 partment of Defense; and

3 (2) issue final rules establishing those proce-
4 dures by not later than 1 year after the date of the
5 enactment of this Act.

6 **SEC. 608. GRANTS AND CONTRACTS FOR NATIONAL UNDER-**
7 **SEA RESEARCH CENTERS.**

8 (a) AUTHORIZATION.—The Under Secretary may
9 make grants and enter into contracts and cooperative
10 agreements under this section to fund any Center program
11 if the Under Secretary finds that the program will advance
12 knowledge in the priority research areas.

13 (b) ALLOCATION OF FUNDING.—

14 (1) IN GENERAL.—Based on the reviews under
15 section 606(c) of proposed Center programs, the
16 Under Secretary shall—

17 (A) allocate among the Centers, in such
18 manner as will best advance knowledge in the
19 priority research areas, all amounts available
20 for the current fiscal year for research to be
21 conducted by the Centers and administration of
22 the Centers, consistent with each Center's long-
23 term responsibilities to conduct priority re-
24 search; and

1 (B) notify each Center Director of the
2 amount allocated to that Center under subpara-
3 graph (A).

4 (c) TERMS AND CONDITIONS.—

5 (1) IN GENERAL.—Any grant made or contract
6 entered into under this section shall be subject to
7 paragraphs (2) and (3) and to any other terms, con-
8 ditions, and requirements the Under Secretary con-
9 siders necessary.

10 (2) LIMITATIONS ON USE FOR LAND AND
11 BUILDINGS.—Amounts provided under any grant or
12 contract under this section may not be used for—

13 (A) the purchase of any land; or

14 (B) the purchase or construction of any
15 building.

16 (3) MAINTENANCE OF RECORDS.—Any person
17 who receives or utilizes any proceeds of any grant of
18 contract under this section shall keep any records
19 the Under Secretary prescribes as necessary to fa-
20 cilitate effective audit and evaluation, including re-
21 ports which full disclose the amount and disposition
22 of funds received under this title, the total cost of
23 activities for which those funds were used, and the
24 amount, if any, of costs which were provided
25 through other sources. The records shall be main-

1 tained for 6 years after the completion of the activ-
2 ity. The Under Secretary and the Comptroller Gen-
3 eral of the United States, or any of their duly au-
4 thorized representatives, shall have access, for the
5 purpose of audit and evaluation, to any books, docu-
6 ments, papers, and records of receipts, which in the
7 opinion of the Under Secretary or of the Comptroller
8 General may be related or pertinent to the grants
9 and contracts.

10 **SEC. 609. FINANCIAL ASSISTANCE REVIEW BOARD.**

11 After the date of the enactment of this Act, grants
12 and contracts under the Program shall not be subject to
13 review by the board in the Department of Commerce
14 known as the Financial Assistance Review Board.

15 **SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) CENTER PROGRAM FUNDING.—There is author-
17 ized to be appropriated to the Under Secretary for use
18 for grants and contracts under section 608, to remain
19 available until expended, \$18,000,000 for fiscal year 1995,
20 \$18,540,000 for fiscal year 1996, \$19,100,000 for fiscal
21 year 1997, \$19,670,000 for fiscal year 1998, and
22 \$20,260,000 for fiscal year 1999.

23 (b) OFFICE OF UNDERSEA RESEARCH.—There is au-
24 thorized to be appropriated to the Under Secretary for the
25 administration of the Office of Undersea Research and

1 support of the Memorandum of Agreement Concerning
 2 Support of a National Academic Deep Submergence Facil-
 3 ity for Scientific Use, to remain available until expended,
 4 \$2,100,000 for fiscal year 1995, \$2,200,000 for fiscal year
 5 1996, \$2,300,000 for fiscal year 1997, \$2,400,000 for fis-
 6 cal year 1998, and \$2,500,000 for fiscal year 1999.

7 (c) REVERSION OF UNOBLIGATED AMOUNTS.—The
 8 amount of any grant, contract, or portion of a grant or
 9 contract, made under section 603 or 608 that is not obli-
 10 gated before the end of the third fiscal year in which it
 11 is authorized to be obligated—

12 (1) shall revert to the Under Secretary; and

13 (2) shall remain available for grants or con-
 14 tracts under that section.

15 (d) LIMITATIONS ON USE.—Amounts appropriated
 16 under the authority of subsection (a) shall not be available
 17 for administration of this title by the Office, or for pro-
 18 gram or administrative expenses of the Administration or
 19 the Department of Commerce.

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